

PATENT COOPERATION TREATY

10. NOV. 2004

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

To:

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Date of mailing
(day/month/year)

03.11.2004

Applicant's or agent's file reference
2002P15750WO

IMPORTANT NOTIFICATION

International application No.
PCT/EP 02/12447

International filing date (day/month/year)
07.11.2002

Priority date (day/month/year)
26.09.2002

Applicant
SIEMENS AKTIENGESELLSCHAFT et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P15750WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 02/12447	International filing date (day/month/year) 07.11.2002	Priority date (day/month/year) 26.09.2002
International Patent Classification (IPC) or both national classification and IPC H02H5/04		
Applicant SIEMENS AKTIENGESELLSCHAFT et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 15.10.2003	Date of completion of this report 03.11.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Thomte, M Telephone No. +49 89 2399-2610 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 02/12447**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-6 as originally filed

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 02/12447**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,4
Inventive step (IS)	Yes: Claims	
	No: Claims	2,3,5,6
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

2. Citations and explanations

see separate sheet

ad Section V

1. In this report reference is made to the following documents:
B1 D1: EP-A-1 231 695 ✓
B2 D2: US-A-5 052 816 ✓
B3 D3: PATENT ABSTRACTS OF JAPAN vol. 1999, no. 01, 29 January 1999 (1999-01-29) & JP 10 278910-A, 20 October 1998 (1998-10-20)
2. From anyone of documents D1, D2 or D3 (see eg the abstract of said documents and the passages referred to in the International Search Report) there is known method for monitoring technical installations where a temperature pattern (eg a set of temperature data) related to a current operating situation of the installation is derived, whereafter the pattern or data is compared with a predetermined temperature data or pattern in order to allow to determine - eg to classify - whether or not the current operation can be held to be normal or not. Hence, it would seem that the subject matter of claim 1 is prior published implying that claim 1 is not allowable under Article 33(2) PCT as to novelty,
3. The apparatus as defined in independent claim 4 is also not novel - for reasons already indicated in paragraph 2 above, mutatis mutandis - implying that claim 4 is also not allowable under Article 33(2) PCT.
4. As to the comments from the Applicant in his letter of reply to the first written opinion, it should be emphasized that even if the documents referred to above not explicitly refer to a "technical installation" to be inspected, the reference to such an installation in the independent claims cannot constitute a limitation in the context since the method and apparatuses of any one of said documents in any case would be suitable to be used in any technical installation - whatever significance this might have.
Moreover, it is also underlined that even if none of the documents referred to explicitly states that the measured pattern is compared with "one of a number of different patterns" this is de facto also not required by anyone of the independent claims. Furthermore, even if this would be the case, the measure of indicating a temperature distribution pattern - as done in D1 - must, as far as it presently can be understood, be preceded by a choice of what state an actual temperature distribution pattern does represent - which then must imply that a comparison of the measured pattern with different patterns representing different possible abnormalities.

5. The measure of storing the current operating situation and its related temperature pattern in a memory is not explicitly revealed by document D1. However, it is the provisional opinion of the Examiner that the skilled person would consider this to be a non-inventive measure in the context should one e.g. want to make use of the current data as a future reference pattern. It should be noted in the context that the actually storing of data in a memory and the comparison with such data is well known in the art - see eg col. 3, lines 41-54 of document D2 - and cannot add anything inventive in the context. Hence, dependent claims 2 and 5 do appear to add anything inventive to claims 1 and 4 respectively (Art 33(3) PCT).
6. Since it is well known in the art to acquiring temperature data by means of an infrared camera (see para. [0004] of D1), claims 3 and 6 do also not fulfill the requirements of Article 33(3) PCT as to inventive step.
7. It is not at present apparent which part of the application could serve as a basis for a new claim which fulfils the requirements of Article 33(3) PCT as to inventive step.
However, If the Applicant intends to pursue the application in a regional or in a national phase, the particular matter which you consider as patentable should be defined in an independent claim taking account of Rule 6 PCT. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.
The applicant is also made aware of that the requirements of Rule 5.1(a)(ii) PCT are not fulfilled since the relevant background art disclosed in the documents D1 - D3 is not mentioned in the description, nor are these documents identified therein.